

ZILKA-KOTABPC
ZILKA, KOTAB & FEECE™95 SOUTH MARKET ST., SUITE 420
SAN JOSE, CA 95113TELEPHONE (408) 971-2573
FAX (408) 971-4660**RECEIVED**
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From: Kevin J. Zilka		

Docket No.: NA11P312/01.048.02

App. No: 09/916,607

Total Number of Pages Being Transmitted, Including Cover Sheet: 34

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PATENT

Practitioner's Docket No. NAIIP312/01.048.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rodney D. Cambridge

Application No.: 09/916,607

Group No.: 2137

Filed: 07/26/2001

Examiner: Schubert, K.

For: METHOD AND APPARATUS FOR IMPLEMENTING A HANDHELD SECURITY SYSTEM

Mail Stop Appeal Briefs – Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION--37 C.F.R. § 41.37)

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on June 2, 2005.
2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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Express Mail certification is optional.)

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7/7/2005


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Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Transmittal of Appeal Brief--page 1 of 2

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

other than a small entity \$500.00

Appeal Brief fee due \$500.00

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$500.00

Extension fee (if any) \$0.00

TOTAL FEE DUE \$500.00

6. FEE PAYMENT

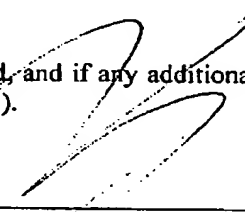
Authorization is hereby made to charge the amount of \$500.00 to Deposit Account No. 50-1351 (Order No. NAI1P312).

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7. FEE DEFICIENCY

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Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Transmittal of Appeal Brief--page 2 of 2

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
Rodney D. Cambridge) Group Art Unit: 2137
)
Application No. 09/916,607) Examiner: Schubert, Kevin R.
)
Filed: July 26, 2001) Date: July 7, 2005
)
For: METHOD AND APPARATUS FOR)
IMPLEMENTING A HANDHELD)
SECURITY SYSTEM)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences**APPEAL BRIEF (37 C.F.R. § 41.37)**

This brief is in furtherance of the Notice of Appeal, filed in this case on June 2, 2005.

The fees required under § 1.17, and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 41.37(c)(i)):

- I REAL PARTY IN INTEREST
- II RELATED APPEALS AND INTERFERENCES
- III STATUS OF CLAIMS
- IV STATUS OF AMENDMENTS
- V SUMMARY OF CLAIMED SUBJECT MATTER
- VI ISSUES

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VII ARGUMENTS

VIII APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

IX APPENDIX LISTING ANY EVIDENCE RELIED ON BY THE APPELLANT
IN THE APPEAL

The final page of this brief bears the practitioner's signature.

I REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))

The real party in interest in this appeal is McAfee, Inc.

II RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c) (1)(ii))

With respect to other prior or pending appeals, interferences, or related judicial proceedings that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no other such appeals, interferences, or related judicial proceedings.

Since no such proceedings exist, no Related Proceedings Appendix is appended hereto.

III STATUS OF CLAIMS (37 C.F.R. § 41.37(c) (1)(iii))**A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1, 3, 5-10, 14-16, 19, 20, 24-26, 28, 29, 31, and 33-38

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims withdrawn from consideration: None
2. Claims pending: 1, 3, 5-10, 14-16, 19, 20, 24-26, 28, 29, 31, and 33-38
3. Claims allowed: None
4. Claims rejected: 1, 3, 5-10, 14-16, 19, 20, 24-26, 28, 29, 31, and 33-38

C. CLAIMS ON APPEAL

The claims on appeal are: 1, 3, 5-10, 14-16, 19, 20, 24-26, 28, 29, 31, and 33-38

See additional status information in the Appendix of Claims.

IV STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))

As to the status of any amendment filed subsequent to final rejection, there are no such amendments after final.

V SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))

With respect to a summary of Claim 1 et al., a handheld security system is provided including a Bluetooth-enabled control unit having a range of communications (e.g. item 304 of Figure 3) and a Bluetooth-enabled device, wherein the device is registered with the control unit such that the device cooperates with the control unit using Bluetooth communications to determine when the device is within the range of communications of the control unit. Further, when it is determined that the device is within the range of communications of the control unit, the device is functional, and when it is determined that the device is not within the range of communications of the control unit, the device is at least partially non-functional (e.g. items 308-328 of Figure 3). In addition, the device is configured to periodically send an identifying signal to the control unit and the control unit is configured to send a return signal to the device when the identifying signal is received by the control unit. When the device is at least partially non-functional, the device is configured to continue periodically sending the identifying signal to the control unit. Note page 10, line 18 – page 14, line 6 and page 14, line 23 – page 16, line 14 et al., for example.

With respect to a summary of Claim 10 et al., the above summary is incorporated, at least in part, by reference. Further, as shown in Figures 4 and 5, a method for executing a security protocol for a first Bluetooth-enabled device with respect to a second Bluetooth-enabled device is provided including periodically emitting a first Bluetooth transmission signal from the first Bluetooth-enabled device (e.g. item 404 of Figure 4), determining if a second Bluetooth transmission signal is received from the second Bluetooth-enabled device (e.g. item 408 of Figure 4) and locking out the first Bluetooth-enabled device to at least partially prevent the first Bluetooth-enabled device from functioning if it is determined that the second Bluetooth transmission signal is not received. Further, the first Bluetooth-enabled device periodically emits the first Bluetooth transmission signal while being locked out. Note page 14, lines 8 – 21 and page 11, line 14 – page 12, line 18, for example.

VI ISSUES (37 C.F.R. § 41.37(c)(1)(vi))

Following, under each issue listed, is a concise statement setting forth the corresponding ground of rejection.

Issue # 1: The Examiner has rejected Claims 10, 14-15, 20 and 24-25 under 35 U.S.C. 102(e) as being anticipated by Henrie, U.S. Patent No. 6,804,699.

Issue # 2: The Examiner has rejected Claims 1, 3, 5-9, 16, 19, 26, 28-29, 31 and 33-38 under 35 U.S.C. 103(a) as being unpatentable over Odagiri, U.S. Patent Application No. 2001/0007817, in view of Henrie, U.S. Patent No. 6,804,699.

VII ARGUMENTS (37 C.F.R. § 41.37(c)(1)(vii))

The claims of the groups noted below do not stand or fall together. In the present section, appellant explains why the claims of each group are believed to be separately patentable.

Issue #1:

The Examiner has rejected Claims 10, 14-15, 20 and 24-25 under 35 U.S.C. 102(e) as being anticipated by Henrie, U.S. Patent No. 6,804,699.

Group # 1: Claims 10 and 20

With respect to independent Claim 10 et al., the Examiner has relied on the following excerpt to make a prior art showing of appellant's claimed "locking out the first Bluetooth-enabled device to at least partially prevent the first Bluetooth-enabled device from functioning if it is determined that the second Bluetooth transmission signal is not received, wherein the first Bluetooth-enabled device periodically emits the first Bluetooth transmission signal while being locked out."

"Alternatively, Web site 40 can respond to portable computer system 100 with an indication that the device is not lost or stolen, where this indication is necessary in order for portable computer system 100 to operate normally. In one embodiment, the user can configure portable computer system 100 such that it is necessary for the device to make contact with Web site 40 on a periodic basis, at an interval specified according to user preferences. If the specified time period expires before portable computer system 100 connects with Web site 40, then the device is automatically disabled. For example, the authorized user could specify that portable computer system 100 is to connect with Web site 40 once per week, and if a week goes by without such a connection, then portable computer system 100 is disabled. If, at a later time, the authorized user attempts to use portable computer system 100, then portable computer system 100 can still be connected to Web site 40 (this capability remains even if the device is in the disabled or locked mode). After looking up the account information based on the unique identity of portable computer system 100 (step 945) to determine whether the device has been lost or stolen, Web site 40 sends a signal to the device that

unlocks the device and enables normal operation. It is appreciated that other actions may need to be performed in order to re-enable operation of the device.

In step 960, if portable computer system 100 is reported as lost or stolen, then Web site 40 sends a signal to the device indicating that normal operation of the device is disabled. As described above, disabling operability of the device can be the result of a signal received from Web site 40 or it can be a default setting if no response is received to the signal of step 930. In addition, if portable computer system 100 has been reported as lost or stolen and has already been disabled in accordance with the present invention, it will continue to remain disabled as a result of this step. For example, if portable computer system 100 is in the locked mode, and no response is received in step 960, then it will continue to remain in the locked mode." (Col. 11, lines 28-65-emphasis added)

Appellant respectfully asserts that the above excerpt from Henrie does not meet appellant's above cited claim language, and in fact teaches away from appellant's claim language. Specifically, Henrie teaches "that it is necessary for the device to make contact with Web site 40 on a periodic basis...If the specified time period expires before portable computer system 100 connects with Web site 40, then the device is automatically disabled" (see emphasized excerpt above). Thereafter, only when "the authorized user attempts to use portable computer system 100, then portable computer system 100 can still be connected to Web site 40..." (see emphasized excerpt above).

Thus, in Henrie, when the portable computer system does not connect to the web site within a specified period of time at periodic intervals, the system is disabled, and the portable computer system can only connect to the Web site when an authorized user attempts to use the portable computer system. Appellant, on the other hand, claims continuing to periodically emit the first Bluetooth transmission signal even when the device is partially locked out. Therefore, Henrie clearly does not meet applicant's claim language and even teaches away.

In the Advisory Action dated 5/13/2005, the Examiner has argued that Henrie does teach appellant's claimed "locking out the first Bluetooth-enabled device to at least partially prevent the first Bluetooth-enabled device from functioning if it is

determined that the second Bluetooth transmission signal is not received, wherein the first Bluetooth-enabled device periodically emits the first Bluetooth transmission signal while being locked.”

Specifically, the Examiner has stated that in Henrie “the device continues to send the signal when the device is in locked mode as the device still has the ability to transmit to the Web Site in locked mode” (see Col. 11, lines 44-45). Appellant respectfully asserts that such excerpt from Henrie merely teaches that the “portable computer system 100 can still be connected to Web site 40” when the authorized user attempts to use the portable computer system (see Col. 11, lines 42-43) and that the “capability remains even if the device is in the disabled or locked mode.”

Thus, a connection is only made to a Web site when the user attempts to make the connection. Therefore there, is no periodic emission of the first transmission signal from the first Bluetooth-enabled device while still being locked out, especially when read in view of the fact that the first transmission signal is aimed at being received at another Bluetooth-enabled device. Additionally, in Henrie, the signal is only sent when a user attempts to make the connection, and not periodically, as claimed by appellant. In this way, appellant’s specific claim language allows for the first Bluetooth-enabled device to continue sending signals periodically such that a signal is capable of being received at another Bluetooth-enabled device.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Henrie reference, especially in view of the amendments made hereinabove. A notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

Group # 2: Claims 14 and 24

The Examiner has relied on Henrie, Col. 12, lines 3-12 to meet appellant's claimed technique "wherein locking out the first Bluetooth-enabled device includes: displaying information on a screen of the first Bluetooth-enabled device which indicates that the first Bluetooth-enabled device is locked out." However, the above excerpt from Henrie simply teaches that "information for identifying and contacting an authorized owner or user is displayed on display device 105...when the device is in the disabled (locked) mode of operation." Thus, clearly such information does not indicate that the first Bluetooth-enabled device is locked out, but simply indicates information on the authorized user of the device.

Again, a notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

Group # 3: Claims 15 and 25

The Examiner has relied on Henrie, Col. 11, lines 45-50 to meet appellant's claimed "operating the first Bluetooth-enabled device if it is determined that the second Bluetooth transmission signal is received." Appellant respectfully asserts that such excerpt merely teaches "looking up account information...to determine whether the device has been lost or stolen" and that the "Web site 40 sends a signal to the device that unlocks the device and enables normal operation." Thus, Henrie merely teaches that the device is enabled after account information has been verified on a Web site, and that the only signal sent is a signal from the Web site. Thus, clearly such

teaching does not meet appellant's specific claim language since there is not even a mention of operating the first Bluetooth-enabled device "if it is determined that the second Bluetooth transmission signal is received" (emphasis added).

Again, a notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

Issue # 2:

The Examiner has rejected Claims 1, 3, 5-9, 16, 19, 26, 28-29, 31 and 33-38 under 35 U.S.C. 103(a) as being unpatentable over Odagiri, U.S. Patent Application No. 2001/0007817, in view of Henrie, U.S. Patent No. 6,804,699.

Group # 1: Claims 1, 3, 7, 16, 19, 26, 29, 31 and 35-38

With respect to independent Claims 1 et al. and 16 et al., the Examiner has relied on the following excerpt to make a prior art showing of appellant's claimed, "wherein when the device is at least partially non-functional, the device is configured to continue periodically sending the identifying signal to the control unit" (see the same, or substantially similar, claim language in claims 1 and 29), and "wherein after the generation of the alarm, the second Bluetooth-enabled device is configured to continue periodically emitting the first Bluetooth transmission signal to the first Bluetooth-enabled device" (see the same, or substantially similar, claim language in claims 16 and 26).

"Alternatively, Web site 40 can respond to portable computer system 100 with an indication that the device is not lost or stolen, where this indication is necessary in order for portable computer system 100 to operate normally. In one embodiment, the user can configure portable computer system 100 such that it is necessary for the device to make contact with Web site 40 on a periodic basis, at an interval specified according to user preferences. If the specified time period expires before portable computer system 100 connects with Web site 40, then the device is automatically disabled. For

example, the authorized user could specify that portable computer system 100 is to connect with Web site 40 once per week, and if a week goes by without such a connection, then portable computer system 100 is disabled. If, at a later time, the authorized user attempts to use portable computer system 100, then portable computer system 100 can still be connected to Web site 40 (this capability remains even if the device is in the disabled or locked mode). After looking up the account information based on the unique identity of portable computer system 100 (step 945) to determine whether the device has been lost or stolen, Web site 40 sends a signal to the device that unlocks the device and enables normal operation. It is appreciated that other actions may need to be performed in order to re-enable operation of the device.

In step 960, if portable computer system 100 is reported as lost or stolen, then Web site 40 sends a signal to the device indicating that normal operation of the device is disabled. As described above, disabling operability of the device can be the result of a signal received from Web site 40 or it can be a default setting if no response is received to the signal of step 930. In addition, if portable computer system 100 has been reported as lost or stolen and has already been disabled in accordance with the present invention, it will continue to remain disabled as a result of this step. For example, if portable computer system 100 is in the locked mode, and no response is received in step 960, then it will continue to remain in the locked mode." (Col. 11, lines 28-65-emphasis added)

Appellant respectfully asserts that the above excerpt from Henrie does not meet appellant's above cited claim language, and in fact teaches away from appellant's claim language. Specifically, Henrie teaches "that it is necessary for the device to make contact with Web site 40 on a periodic basis...If the specified time period expires before portable computer system 100 connects with Web site 40, then the device is automatically disabled" (see emphasized excerpt above). Thereafter, only when "the authorized user attempts to use portable computer system 100, then portable computer system 100 can still be connected to Web site 40..." (see emphasized excerpt above).

Thus, a connection is only made to a Web site when the user attempts to make the connection. Therefore there, is no periodic emission of the signal from the device while still being locked out, especially when read in view of the fact that the signal is aimed at being received at another Bluetooth-enabled device or control unit. Additionally, in Henrie, the signal is only sent when a user attempts to make the

connection, and not periodically, as claimed by appellant. In this way, appellant's specific claim language allows for the device to continue sending signals periodically such that a signal is capable of being received at another Bluetooth-enabled device or control unit.

In the Advisory Action dated 5/13/2005, the Examiner has argued that Henrie discloses that the device is configured to send an identifying signal on a periodic basis to the control unit (Col. 11, lines 31-35) to meet appellant's claimed technique "wherein when the device is at least partially non-functional, the device is configured to continue periodically sending the identifying signal to the control unit" (Claims 1 and 29).

Again, appellant respectfully asserts that a connection is only made to a Web site when the user attempts to make the connection. Therefore there is no periodic emission of the signal from the device while still being locked out, especially when read in view of the fact that the signal is aimed at being received at a control unit. Additionally, the signal is only sent when a user attempts to make the connection, and not periodically, as claimed by appellant.

Also in the Advisory Action dated 5/13/2005, the Examiner has stated that Henrie teaches that the device continues to poll for an unlock signal even when it is in locked mode (Col. 11, lines 59-62), and this meets appellant's claimed technique "wherein after the generation of the alarm, the second Bluetooth-enabled device is configured to continue periodically emitting the first Bluetooth transmission signal to the first Bluetooth-enabled device" (Claims 16 and 26). However, Col. 11, lines 59-62 expressly states "if portable computer system 100 has been reported as lost or stolen and has already been disabled...it will continue to remain disabled..." Thus, Henrie teaches disabling the system only with respect to whether the device is reported lost or stolen and not when "the second Bluetooth-enabled device is not within a communications range of the first Bluetooth-enabled device when it is determined that the first Bluetooth transmission signal is not received from the

second Bluetooth-enabled device" (see independent Claims 16 and 26). In addition, the above excerpt relied on by the Examiner simply states that the portable computer system remains disabled, but not that "after the generation of the alarm, the second Bluetooth-enabled device is configured to continue periodically emitting the first Bluetooth transmission signal to the first Bluetooth-enabled device" (emphasis added).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. A notice of allowance or a specific prior art showing of all of appellant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Group # 2: Claims 5 and 33

The Examiner has relied Henrie, Col. 11, lines 42-50 and Col. 12, lines 21-27 to meet appellant's claimed technique "wherein when the device receives the return signal, the lockout interface unlocks the device and causes the device to be functional." Appellant respectfully asserts that the above excerpts from Henrie merely teach that the device is only enabled after looking up account information on a Web site and that the authorized user can change account information to indicate that the device is no longer lost or

stolen. Thus, clearly Henrie does not teach that the device is functional when the device receives a return signal, in the manner claimed by appellant, especially in view of the fact that the return signal is sent "when the identifying signal is received by the control unit" (see independent Claims 1 and 29).

Again, a notice of allowance or a specific prior art showing of all of appellant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Group # 3: Claim 6

The Examiner has relied on paragraph [0009] of Odagiri to meet appellant's claimed technique "wherein the device is exclusively registered with the control unit." However, such excerpt merely discloses the functionality of an information processor, including "transmitting means," "receiving means," "decision means" and "processing control operation means," and does not even suggest any sort of registration of a control unit, let alone an exclusive registration with a control unit, in the manner claimed by appellant.

Again, a notice of allowance or a specific prior art showing of all of appellant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Group # 4: Claims 8, 9 and 28

The Examiner has relied on the following excerpt from Odagiri to meet appellant's claimed technique "wherein the control unit includes a display, the display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit" (Claim 8) and "wherein the device includes a display, the display being configured to

display information associated with the control unit when it is determined that the device is not within the range of communications of the control unit" (Claim 9):

"The decision section 404 makes a determination as to whether the reply signal is received by the receiving section 303, as does the decision section 304 shown in FIG. 3. The alert section 405 corresponds to one possible form of the processing operation control section 305 shown in FIG. 3. When the first receiving section 401 receives a signal, the alert section 405 informs the possessor (user) of the reception of the signal by the first receiving section 401 depending upon the result of the determination made by the decision section 404. A method for this signal reception information is, for example, a method of displaying data in the form of characters, an image or the like through the display section 207 shown in FIG. 2, or a method of outputting a predetermined signal, sound, speech or the like through the speaker 204." ([0063]-emphasis added)

Appellant respectfully asserts that Odagiri teaches displaying signal reception information "when the first receiving section 401 receives a signal" (see emphasized excerpt above), and not "when it is determined that the device is not within the range of communications of the control unit" (Claims 8 and 9-emphasis added), as claimed by appellant. In addition, Odagiri only teaches "inform[ing] the possessor (user) of the reception of the signal" whereas appellant claims a technique "wherein the control unit includes a display, the display being configured to display information associated with the device..." (Claim 8-emphasis added).

Again, a notice of allowance or a specific prior art showing of all of appellant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Group # 5: Claim 34

The Examiner has relied on Henrie, Col. 12, lines 8-12 to meet appellant's claimed technique "wherein the device includes a display, the display being configured to display a message that warns that the device is at least one of lost and stolen, when the device is at least partially non-functional." However, appellant notes that such

excerpt merely teaches displaying "information for identifying and contacting the authorized owner or user." Simply displaying user contact information clearly does not warn that the device is lost and/or stolen, as claimed by appellant.

Again, a notice of allowance or a specific prior art showing of all of appellant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

VIII APPENDIX OF CLAIMS (37 C.F.R. § 41.37(c)(1)(viii))

The text of the claims involved in the appeal (along with associated status information) is set forth below:

1. (Previously Presented) A handheld security system, comprising:
a Bluetooth-enabled control unit having a range of communications; and
a Bluetooth-enabled device, wherein the device is registered with the control unit such that the device cooperates with the control unit using Bluetooth communications to determine when the device is within the range of communications of the control unit, wherein when it is determined that the device is within the range of communications of the control unit, the device is functional, and when it is determined that the device is not within the range of communications of the control unit, the device is at least partially non-functional;
wherein the device is configured to periodically send an identifying signal to the control unit and the control unit is configured to send a return signal to the device when the identifying signal is received by the control unit;
wherein when the device is at least partially non-functional, the device is configured to continue periodically sending the identifying signal to the control unit.
2. (Cancelled)
3. (Previously Presented) The handheld security system according to claim 1 wherein the device includes a lockout interface, wherein when the device does not receive the return signal in response to the identifying signal, the device is not within the range of communications of the control unit and the lockout interface locks out the device and causes the device to be at least partially non-functional.
4. (Cancelled)

5. (Currently Amended) The handheld security system according to claim [4]³ wherein when the device receives the return signal, the lockout interface unlocks the device and causes the device to be functional.
6. (Original) The handheld security system according to claim 1 wherein the device is exclusively registered with the control unit.
7. (Original) The handheld security system according to claim 1 wherein the control unit is configured to produce an alert when it is determined that the device is not within the range of communications of the control unit.
8. (Original) The handheld security system according to claim 7 wherein the control unit includes a display, the display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit.
9. (Original) The handheld security system according to claim 1 wherein the device includes a display, the display being configured to display information associated with the control unit when it is determined that the device is not within the range of communications of the control unit.
10. (Previously Presented) A method for executing a security protocol for a first Bluetooth-enabled device with respect to a second Bluetooth-enabled device, the method comprising:
 - periodically emitting a first Bluetooth transmission signal from the first Bluetooth-enabled device;
 - determining if a second Bluetooth transmission signal is received from the second Bluetooth-enabled device; and
 - locking out the first Bluetooth-enabled device to at least partially prevent the first Bluetooth-enabled device from functioning if it is determined that the second Bluetooth

transmission signal is not received, wherein the first Bluetooth-enabled device periodically emits the first Bluetooth transmission signal while being locked out.

11. (Cancelled)

12. (Cancelled)

13. (Cancelled).

14. (Original) The method as recited in claim 10 wherein locking out the first Bluetooth-enabled device includes:

displaying information on a screen of the first Bluetooth-enabled device which indicates that the first Bluetooth-enabled device is locked out.

15. (Original) The method as recited in claim 10 further including:

operating the first Bluetooth-enabled device if it is determined that the second Bluetooth transmission signal is received.

16. (Previously Presented) A method for executing a security protocol with respect to at least a first Bluetooth-enabled device and a second Bluetooth-enabled device, the method comprising:

determining when a first Bluetooth transmission signal is received from the second Bluetooth-enabled device, wherein the second Bluetooth-enabled device automatically and periodically emits the first Bluetooth transmission signal;

emitting a second Bluetooth transmission signal when it is determined that the first Bluetooth transmission signal is received from the second Bluetooth-enabled device; and

generating an alarm to indicate that the second Bluetooth-enabled device is not within a communications range of the first Bluetooth-enabled device when it is determined that the first Bluetooth transmission signal is not received from the second Bluetooth-enabled device;

wherein after the generation of the alarm, the second Bluetooth-enabled device is configured to continue periodically emitting the first Bluetooth transmission signal to the first Bluetooth-enabled device.

17. (Cancelled)

18. (Cancelled)

19. (Original) The method as recited in claim 16 wherein determining when the first Bluetooth transmission signal is received from the second Bluetooth-enabled device includes:

determining when the second Bluetooth-enabled device is registered with the first Bluetooth-enabled device, wherein emitting the second Bluetooth transmission signal when it is determined that the first Bluetooth transmission signal is received from the second Bluetooth-enabled device includes emitting the second Bluetooth transmission signal when it is determined that the second Bluetooth-enabled device is registered with the first Bluetooth-enabled device.

20. (Previously Presented) A first device comprising:

a Bluetooth-enabled mechanism;

computer code that causes the Bluetooth-enabled mechanism to periodically emit a first Bluetooth transmission signal;

computer code that causes the Bluetooth-enabled mechanism to receive a second Bluetooth transmission signal from a second Bluetooth-enabled device;

computer code for determining when the second Bluetooth transmission signal is received;

computer code for locking out the device to at least partially prevent the device from being operational when it is determined that the second Bluetooth transmission signal is not received;

wherein the Bluetooth-enabled mechanism periodically emits the first Bluetooth transmission signal while the device is locked out;

a processor for executing the computer codes; and
a computer-readable medium that stores the computer codes.

21. (Cancelled)

22. (Cancelled)

23. (Cancelled)

24. (Original) The first device according to claim 20 further including:
a display screen, wherein the computer code for locking out the first device includes
computer code for displaying information on the display screen to indicate that the first
device is locked out when it is determined that the second Bluetooth transmission signal
is not received.

25. (Original) The first device according to claim 20 wherein the Bluetooth-enabled
mechanism is a Bluetooth-enabled radio.

26. (Previously Presented) A first device comprising:
a Bluetooth-enabled mechanism, the Bluetooth-enabled mechanism being
configured to receive a first Bluetooth transmission signal from a second device that
periodically emits the first Bluetooth transmission signal;
computer code for determining when a first Bluetooth transmission signal is
received;
computer code for causing the Bluetooth-enabled mechanism to emit a second
Bluetooth transmission signal when it is determined that the first Bluetooth transmission
signal is received;
computer code for generating an alarm to indicate that the second device is not
within a communications range of the first device when it is determined that the first
Bluetooth transmission signal is not received;

wherein after the generation of the alarm, the second device is configured to continue periodically emitting the first Bluetooth transmission signal;
a processor that executes the computer codes; and
a computer-readable medium that stores the computer codes.

27. (Cancelled)

28. (Original) The first device as recited in claim 26 further including:
a display screen; and
computer code for causing the display screen to display information associated with the second device when it is determined that the first Bluetooth transmission signal is not received.

29. (Previously Presented) A handheld security system, comprising:
a WiFi-enabled control unit having a range of communications; and
a WiFi-enabled device, wherein the device is registered with the control unit such that the device cooperates with the control unit using WiFi communications to determine when the device is within the range of communications of the control unit, wherein when it is determined that the device is within the range of communications of the control unit, the device is functional, and when it is determined that the device is not within the range of communications of the control unit, the device is at least partially non-functional;
wherein the device is configured to periodically send an identifying signal to the control unit and the control unit is configured to send a return signal to the device when the identifying signal is received by the control unit;
wherein when the device is at least partially non-functional, the device is configured to continue periodically sending the identifying signal to the control unit.

30. (Cancelled)

31. (Previously Presented) The handheld security system according to claim 29 wherein the device includes a lockout interface, wherein when the device does not receive the return signal in response to the identifying signal, the device is not within the range of communications of the control unit and the lockout interface locks out the device and causes the device to be at least partially non-functional.

32. (Cancelled)

33. (Previously Presented) The handheld security system according to claim 31 wherein when the device receives the return signal, the lockout interface unlocks the device and causes the device to be functional.

34. (Previously Presented) The handheld security system according to claim 1 wherein the device includes a display, the display being configured to display a message that warns that the device is at least one of lost and stolen, when the device is at least partially non-functional.

35. (Previously Presented) The handheld security system according to claim 1 wherein the device includes a display, the display being configured to display contact information that is capable of being used by someone who locates the device to identify an owner of the device, when the device is at least partially non-functional.

36. (Previously Presented) The handheld security system according to claim 1 wherein the device is configured to periodically send the identifying signal utilizing a period of at least one hour for accommodating an owner who rarely leaves a particular area.

37. (Previously Presented) The handheld security system according to claim 1 wherein the device is configured to periodically send the identifying signal utilizing a period of less than 15 minutes for accommodating an owner who travels frequently.

38. (Previously Presented) The handheld security system according to claim 1 wherein the device is configured to periodically send the identifying signal as long as the device has access to power.

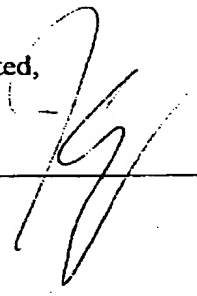
**IX APPENDIX LISTING ANY EVIDENCE RELIED ON BY THE APPELLANT
IN THE APPEAL (37 C.F.R. § 41.37(c)(1)(ix))**

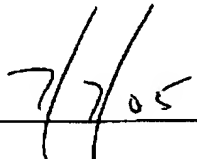
There is no such evidence.

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In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P312_01.048.02).

Respectfully submitted,

By: 
Kevin J. Zilka
Reg. No. 41,429

Date: 

Zilka-Kotab, P.C.
P.O. Box 721120
San Jose, California 95172-1120
Telephone: (408) 971-2573
Facsimile: (408) 971-4660

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